

AO 91 (Rev. 02/09) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

FEB 13 2015

MATTHEW J. DYKMAN  
CLERK

United States of America

v.

Virgal Ervin MALOTT

Case No.

15 MJ 505

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 02/14/2015 in the county of Bernalillo in the \_\_\_\_\_ District ofNew Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1)

, an offense described as follows:

On 5/21/2014, Virgal Ervin MALOTT, a convicted felon, unlawfully possessed a Czechoslovakian, model CZ52, 7.62x25mm caliber semi-automatic pistol bearing serial number M11884 that has traveled in and affected interstate commerce in violation of Title 18 U.S.C 922(g)(1).

This criminal complaint is based on these facts:

See Attached

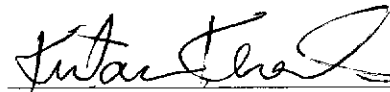
☒ Continued on the attached sheet.

Complainant's signature

Eric Endzel, Detective, APD/ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/18/2015

Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khaksa U.S. Magistrate Judge

Printed name and title

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Criminal Complaint - Continued.

United States of America

V.

Virgal Ervin MALOTT

SSN: 9149

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1. Eric Endzel, a Detective with the Albuquerque Police Department assigned to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Detective with the Albuquerque Police Department (APD) assigned to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed with APD since June of 2005. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.
3. Through APD and ATF, I have received specialized training in the enforcement of federal firearms, explosives, and arson laws. My training and experience has involved, among other things: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms and narcotics.
4. As a Detective with APD, I have conducted physical surveillance, interviewed sources of information and defendants, served search warrants and arrest warrants, investigated firearms and drug trafficking and Hobbs Act violations.

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Further, I have testified in judicial proceedings in metropolitan and district court involving prosecutions relating to my investigations.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

**PROBABLE CAUSE**

6. On February 14, 2015, Virgal Ervin MALOTT was arrested in Albuquerque, NM by the Albuquerque Police Department (APD) for outstanding Felony warrants. MALOTT is also the suspect in approximately 25 commercial armed robberies.
7. Following the arrest of MALOTT at 3117 San Saulo SW, a search warrant was executed on the residence occupied by MALOTT as MALOTT is a robbery suspect for numerous armed robberies currently being investigated by APD.
8. Following the execution of the search warrant, a Czechoslovakian, model CZ52, 7.62x25mm caliber semi-automatic pistol bearing serial number M11884 was located on the couch of the residence. The handgun was found to be loaded with six (6) rounds of PPU 7.62x25mm ammunition. ATF Task Force Officer (TFO) Derek Wright test fired the firearm and determined the firearm fired and functioned as designed.
9. APD Armed Robbery Detective Koury Church advised MALOTT of his rights per Miranda and MALOTT stated he understood his rights and agreed to speak to your Affiant and Detective Church. MALOTT stated the firearm belonged to him and he purposely left it in the residence before attempting to flee from Albuquerque Police Officers. MALOTT stated he had recently acquired the firearm.

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Criminal Complaint - Continued  
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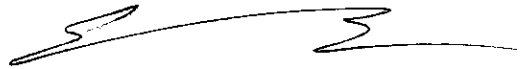
V.

Virgal Ervin MALOTT  
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10. Your Affiant determined MALOTT is a convicted felon as MALOTT has previously been convicted of felony Escape from a Community Custody Release Program in D-202-CR-201305580 out of the Second Judicial District Court, County of Bernalillo, District of New Mexico; therefore, prohibited from possessing firearms and ammunition.
11. Your Affiant determined the firearm and ammunition were not manufactured in the State of New Mexico and located in the State of New Mexico; therefore affecting interstate commerce.
12. Based upon these facts, your Affiant opines there is probably cause to suggest Virgal Ervin MALOTT, a previously convicted felon, possessed the above firearm and ammunition in violation Title 18 U.S.C 922(g)(1).

Respectfully submitted,



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Eric Endzel  
Detective  
ATF Violent Crimes Unit

Subscribed and sworn to before me  
on February 18, 2015:



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UNITED STATES MAGISTRATE JUDGE